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Letter dated 21 June 2006 from the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism addressed to the President of the Security Council

The Counter-Terrorism Committee has received the attached report from the Republic of Moldova submitted pursuant to resolution 1624 (2005) (see annex). I would be grateful if you could arrange for the present letter and its annex to be circulated as a document of the Security Council.

(*Signed*) Ellen Margrethe **Løj**
Chairman
Security Council Committee established pursuant to
resolution 1373 (2001) concerning counter-terrorism

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Annex

Note verbale dated 16 June 2006 from the Permanent Mission of the Republic of Moldova to the United Nations addressed to the Chairman of the Counter-Terrorism Committee

The Permanent Mission of the Republic of Moldova to the United Nations presents its compliments to the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism and has the honour to transmit herewith, for consideration, the attached national report of the Republic of Moldova on the implementation of Security Council resolution 1624 (2005), submitted in response to the Chairman's letter dated 4 April 2006 (see enclosure).

Enclosure

Implementation of Security Council resolution 1624 (2005)

This report does not provide information on implementation of Security Council resolution 1624 (2005) in the Transnistrian region of the Republic of Moldova, currently controlled by a separatist anti-constitutional entity

Paragraph I

1.1 What measures does the Republic of Moldova have in place to prohibit by law and to prevent incitement to commit a terrorist act or acts?

After the 11 September (2001) terrorist acts, the Parliament of the Republic of Moldova adopted the Decision Nr.464 - Fighting against terrorism.

On 12 October 2001, the Parliament of the Republic of Moldova adopted the Law Nr.539-XV - Fighting against terrorism. This law defines the legislative and organizational framework on combating terrorism, coordination of the activities of special institutions that deal with counter terrorism, actions taken by local and central administrative authorities, public associations and organizations, persons with a certain degree of liability, as well as the rights, obligations and guarantees for the persons that deal with fighting against terrorism. At the same time, the law stipulates the conditions of participating and unfolding hostage releasing operations by relevant bodies of the Republic of Moldova, as well as the circumstances of soliciting the necessary assistance from other states in this regard.

At the same time, article 24 of the Law - Fighting against terrorism stipulates that an organization can be held liable for unfolding terrorist activities. This way, (1) the organization is considered to be terrorist and is to be liquidated only by a court decision. If the organization is found to be terrorist, its goods are seized in favor of the state. (2) In the case when the court recognizes an international organization registered abroad as being terrorist, its activity on the territory of the Republic of Moldova is prohibited, its office, branch or representation is liquidated, and the goods are seized in favor of the country.

The Penal Code of the Republic of Moldova (approved at 18 April 2002) contains provisions regarding criminal liability for terrorism; for financing terrorist activities, hostage taking, intentional misinformation on terrorism acts and other actions of terrorist behavior. Art.278 of the Penal Code qualifies terrorism as: explosions, fires or other actions that jeopardize human life, cause material damages in big proportions or lead to other critical consequences, if these actions are taken with the intention to undermine public safety, intimidate the population or to dictate some decisions to be taken by public authorities or

some persons, as well as the threat to commit such actions with the same intentions. At the same time, the Penal Code indicates that minimal penal punishments are to be applied in case of warning the authorities on terrorist acts or leading to people that are involved in terrorism, this way contributing to the avoidance of human losses, body or health injuries, and other serious consequences.

Art.279 of the Penal Code recriminates the financing and material assistance for terrorist acts. Those acts represent a distinct offence from that of terrorism, which determines the circumstances of accomplishing the offence in a complicity way to the terrorist acts. The socially dangerous deed, in these cases, is manifested as offer through different methods, direct or indirect, of financial resources or things that are used in terrorist acts and/or collection through different ways, direct or indirect, of financial resources or things intended for terrorist purposes.

Another law that deals with terrorism is the Law Nr.633 from 15 November 2001 regarding prevention and combating of money-laundering and terrorism funding. The current law extends over actions that deal with money laundering and terrorism financing that are committed by citizens of the Republic of Moldova, foreign citizens, stateless persons and/or resident or non-resident legal entities that are residing in the Republic of Moldova, as well as over actions committed by citizens and/or legal entities, residents of the Republic of Moldova, outside the territory of the Republic of Moldova, in accordance with the international agreements to which the Republic of Moldova is a party.

Although national legislation of the Republic of Moldova does not define specifically such activities as incitement to commit a terrorist act or acts, incitement as a form of participating in criminal activity (inclusive terrorism) is regulated by the art. 42, p. (4) of the Criminal Code.

What further steps, if any, are under consideration?

National authorities initiated the procedure of ratification of the European Council Convention to prevent terrorism and in the nearest future will harmonize national legislation in accordance with this convention, adopted in Warsaw on 16 May 2005. Also the criminal code will be completed with one new article, Public provocations in the aim of committing terrorist delinquency.

Within the Individual Partnership Action Plan (IPAP) with NATO the Republic of Moldova intends to improve its legal and institutional framework, to enhance cooperation and coordination mechanisms between its institutions, to establish cooperative relations with the respective divisions of the NATO International Staff and Allied states, and to consolidate its

export control mechanisms and measures against money laundering in order to better oppose international terrorism, organized crime and trafficking in human beings. In this regard, Moldova will strengthen its cooperation with UN, OSCE, IOM, Interpol and other international organizations. The concrete steps to be taken during the period of 2006-2009 are the establishment of an Anti-terrorist Centre within the Information and Security Service and to improve inter-agency co-operation to combat terrorism by bringing the Anti-Terrorism Centre up to full operational capability. It is also envisaged to enhance anti-terrorism and consequence management capabilities through conducting national consequence management exercises.

Moldova will continue to implement international anti-terrorism conventions and other relevant international legal instruments, ensuring further consolidation of the national legal framework for fighting against terrorism. An adapted redaction to the current circumstances of the Law no. 633 on prevention and combating of money-laundering and terrorism funding and the amendments to the Administrative Contraventions Code will be assured.

The Republic of Moldova is contributing to relevant NATO/EAPC activities related to the fight against terrorism within the PAP-T framework. In this respect, Moldova intends among others to enhance the contribution of the Moldovan scientific community and expert networks to the fight against terrorism through co-operation under the Security Through Science (STS) programme.

It is also relevant to be mentioned herewith the intention of the Republic of Moldova to develop effective and transparent arrangements and practices to ensure compliance with internationally accepted norms and practices for export controls on defense technology and military equipment, including SALW (***1. develop appropriate enforcement mechanisms and procedures; 2. incorporate the principles of the Revised European Code of Conduct on Arms Exports into national legislation and working procedures; 3. to implement the Protocol against Manufacturing and Illegal Trafficking of Firearms and their Components and Spare Parts, entered into force for the Republic of Moldova on 13 October 2005; 4. Undertake a full review of existing weapons and ammunitions in order to establish a valid baseline for future control***)

1.2 What measures does the Republic of Moldova take to deny safe haven to any persons with respect to whom there is credible and relevant information giving serious reason for considering that they have been guilty of incitement to commit a terrorist act or acts?

The way and the conditions for the entrance prohibition on the territory of the Republic of Moldova, extradition and refusal to offer asylum of terrorists, persons suspected of

belonging to terrorist organization, incitement to commit a terrorist act or acts or implication in other crimes are regulated by the Law nr. 269-XIII from 9 November 1994 regarding the exit from and entry into the Republic of Moldova, Law nr. 1518-XV from 6 December 2002 concerning migration, articles 541-550 from the Criminal Procedural Code of the Republic of Moldova, adopted on 14 March 2003.

Thus, according to the article 9 of the Law regarding the exit from and entry into the Republic of Moldova, a foreign citizen or a stateless person can be denied the issuance of an invitation of entry or residence permit if he or she presents danger for the national security, public order, health or morality, has committed crimes against peace, other serious delinquencies, including military and/or crimes against humanity, if these crimes are defined in the international documents.

The extradition procedures of the foreign citizens or stateless person are regulated by the Law regarding juridical status of foreign citizens and stateless persons in the Republic of Moldova, art. 23-29. The extradition procedure is organized in accordance Penal Procedure Code and 1957 European Convention for extradition.

Paragraph II

1.3 How does the Republic of Moldova cooperate with other states in strengthening the security of its international borders with a view to preventing those guilty of incitement to commit a terrorist act or acts from entering their territory, including by combating fraudulent travel documents and, to the extent attainable, by enhancing terrorist screening and passengers security procedures?

The security threats for the Republic of Moldova and for the region of the Black Sea basin. as well as, in the neighboring territory of the European Union, including those referring to the extension of international terrorism networks in this part of Europe, derive from the unsettled state of the Transnistrian conflict and the absence of an efficient control over the Moldovan territory on the left bank of Nistru river., the transnistrian segment of the Moldo-Ukranian border, as well as, the stockpiled Russian military equipment and weapons located in the Eastern region of Moldova. Therefore, Moldova considers that maintaining the state of conflict in different parts of the world, the frozen conflicts, regional crises, aggressive separatism and regions controlled by secessionist forces, which create a favorable environment for money laundering, illegal immigration, smuggling, illegal arms trading and proliferation, is a factor which favors and catalyzes international terrorism.

In this regard one of the most important tasks is the securing of the border between Moldova and the Ukraine. The greatest deficiencies in doing this are on the transnistrian segment (470 km long) of the state border between Moldova and Ukraine.

After the presidential elections in the Ukraine (2004), the new authorities in Kiev adopted a more cooperative position with regard to settlement of the issue and consolidation of control on the mentioned segment of the border. After signing, on 7 October 2005, the Memorandum of Understanding for the EU Border Assistance Mission, an efficient international mechanism which ensures more transparency on this segment of the border was established.

The EU Border Assistance Mission to Moldova and Ukraine was launched on 30 November 2005 at the joint request of the Presidents of Moldova and Ukraine. The Mission is an advisory, technical body. It has no executive powers.

Its aims are:

- to assist Moldova and Ukraine to harmonise their border management standards and procedures with those prevalent in EU member states;
- to assist in enhancing the professional capacities of the Moldovan and Ukrainian customs official and border guards at operational level;
- to improve risk analysis capacities;
- to improve co-operation and complementarity between the border guard and customs services between each other and with other law enforcement agencies.

The Mission is likely to last around two years. The Mission has its headquarters in Odessa, and currently has five field offices. It currently includes 70 experts seconded from 16 EU Member States: Belgium, the Czech Republic, Denmark, Estonia, Finland, Germany, Greece, Hungary, Italy, Latvia, Lithuania, Netherlands, Poland, Portugal, Slovakia, the United Kingdom.

The Mission provides on-the-job training and advice to Moldovan and Ukrainian officials, reinforcing their capacity to carry out effective border and customs controls and border surveillance. Border co-operation and efforts to seek a solution to the conflict in transnistria featured in the European Neighbourhood Action Plans agreed with both Moldova and Ukraine last year. The mission also is actively involved in the implementation of the Joint Declaration of the Prime-Ministers of the Republic of Moldova and Ukraine on customs issues (30 December 2005).

In the context of the abovementioned question is also relevant to be reflected that, Moldova has established with its neighbours Romania and Ukraine, as well as with other states from the region, the regime for travelling and readmission under the respective bilateral Agreements on mutual travelling of the citizens (with Romania in force from 11 September 2001 and with Ukraine in force from 26 January 2002) and on the readmission of the persons (with Romania in force from 3 July 2002 and with Ukraine in force from 23 December 1998).

The Republic of Moldova ratified the majority of UN conventions concerning counter terrorism, including the Convention on the Suppression of the terrorism financing. Moldova supports entirely the activity of the UN Security Council, in particular of the Counter-Terrorism Committee, and undertakes all the necessary measures in order to implement at the national level the resolutions of the Security Council on the fight against terrorism.

Moldova supports and participates actively in the Council of Europe initiatives regarding fight against terrorism. The Republic of Moldova ratified the European Convention on Suppression of Terrorism, and in 2005, Moldova was one of the first countries that signed the European Convention on Preventing of Terrorism, which was open for signing in May 16, 2005 at the III Summit of the Heads of the States and Governments held in Warsaw, Poland.

As well, the Republic of Moldova is party to the Agreement regarding the cooperation between the member-states of the Commonwealth of Independent States in the fight against terrorism (04.06.1999) and the Agreement regarding the mutual activity of GUAM member states in combating terrorism, organized crime and other types of serious crimes (20.07.2002). Actions aimed at raising the level of interaction are undertaken also at the interstate level. Thus, in July 2004 there was organized an antiterrorist exercise "West – Anti-terror 2004" in the Republic of Moldova with the participation of representatives of the Anti-terror Center of the Commonwealth of Independent States, of the special services of Azerbaijan, Armenia, Republic of Belarus, Georgia, Kazakhstan, Republic of Kyrgyzstan, Russian Federation, Tajikistan, Uzbekistan, Ukraine and the Republic of Moldova. Within this exercise the scheme of interaction of the participant states in the activity of the CIS Anti-Terror Center was validated and the activity of the main staffs in charge with management of operations as well as the capacities of the special teams for releasing hostages and neutralization of terrorists in aircrafts or trains were evaluated.

The problem of preventing illegal entrance on the territory of the Republic of Moldova, of those persons supposed to be guilty for incitement to terrorist acts is regulated by Criminal Code art. 361, 362. In 2003 State Border Service implemented one informational system which contains data base regarding persons, means of transportation, place and hour of the cross border. Currently this system is used to prevent illicit border crossings. Moldovan authority during the negotiation procedure with neighbor states supported the idea of

foundation of a common data base, which will consist of a large information system, regarding persons supposed to be implicated in terrorist activities and belonging to different international terrorist organizations. In the nearest future competent Moldovan authority will elaborate National Strategy of integrated border management. The establishment of the integrated state border management system will ensure the compatibility of the national norms and practices with those applied by the European Union and NATO. This system will permit to establish a much better management of the state border and will facilitate internal and international cooperation between specialized institutions to prevent terrorism, weapons of mass destruction proliferation, illegal migration and other types of border crimes.

Relevant Council of Europe Conventions	Signed	Ratified
European Convention on the Suppression of Terrorism (ETS 90)	4/5/1998	23/9/1999
Protocol amending the European Convention on the Suppression of Terrorism (ETS 190)	15/5/2003	10/3/2005
European Convention on Extradition (ETS 24)	2/5/1996	2/10/1997
Additional Protocol to the European Convention on Extradition (ETS 86)	26/6/1998	27/6/2001
Second Additional Protocol to the European Convention on Extradition (ETS 98)	26/6/1998	27/6/2001
European Convention on Mutual Assistance in Criminal Matters (ETS 30)	2/5/1996	4/2/1998
Additional Protocol to the European Convention on Mutual Assistance in Criminal Matters (ETS 99)	26/6/1998	27/6/2001
Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime (ETS 141)	6/5/1997	30/5/2002

Paragraph III

1.4 What international efforts is the Republic of Moldova participating in or considering participating in/initiating in order to enhance dialogue and broaden understanding among civilizations in an effort to prevent the indiscriminate targeting of different religions and cultures?

The Republic of Moldova fully supports the international community efforts to enhance a fair dialogue and broaden understanding among civilizations, different religions and cultures. In this domain Moldova cooperate not only on a global level but also on bilateral level and within the regional organizations such as CoE, Stability Pact for South-Eastern

Europe, CIS, GUAM. In order to ensure and to support regional community efforts for preventing indiscriminate targeting of religions and cultures Moldovan Government is concentrating its efforts on treaties on the issue of combating terrorism, organized crime, illicit traffic of drugs and human beings, and is considering simultaneously also the agreements regarding cultural, scientific and educational cooperation. In this regard relevant agreements were signed within CIS: - the Agreement regarding collaboration in the educational field (1992), the Agreement regarding collaboration in the domain of preparing specialists in radioecology, radiation security, radiobiology and other relevant sciences (2000), the Agreement regarding ensuring to the CIS state-members citizens the access to general educational institutions, on the base of accorded conditions to citizens of this states, as well as social protection of pupils and teachers of the general educational institutions (2004), the Agreement regarding creation of a cultural collaboration Council of the CIS state-members (1995), the Agreement regarding restoring of the cultural and historical values to the original states (1992). On the bilateral relationships Moldova is giving equal priority to all its neighborhood states and cooperates through a number of mutual agreements. The Government of the Republic of Moldova signed with the Government of the Republic of Poland the Agreement regarding cultural and scientific collaboration (1997), with the Government of Romania the Agreement regarding scientific, educational and cultural collaboration (1992), with the Government of Turkey the Agreement regarding collaboration in scientific and technological domain (1996), the Agreement regarding cultural collaboration (1994), with the Government of Russian Federation the Agreement regarding cultural collaboration between the Ministry of Culture of the Republic of Moldova and the Ministry of Culture of Russian Federation (1994), the Agreement regarding foundation and functioning of cultural centers (1998), with the Government of the Ukraine the Agreement regarding educational, scientific and cultural collaboration (1993), the Agreement regarding scientific and educational collaboration between the Ministry of Education and Science of the Republic of Moldova and the Ministry of Education of the Ukraine (1993), with the Government of the Republic of Bulgaria the Agreement regarding educational, scientific and cultural collaboration (1993), the Agreement regarding according assistance to State University of Taraclia (for Bulgarian ethnics), Republic of Moldova (2004). Among above mentioned relevant international documents the Republic of Moldova is providing an equitable and tolerant internal policy regarding different cultures, ethnic groups and religions on its territory. There are lots of schools and universities for ethnic groups on the territory of Moldova, financed by the Government. The freedom of the religion is constitutionally guaranteed. Authorities are organizing every year the days of foreign culture in the Republic of Moldova and other important activities in this field in order to improve the existent level of understanding among civilizations, to enhance dialog and to prevent the indiscriminate targeting of different ethnic groups and religions.

1.5 What steps is the Republic of Moldova taking to counter incitement of terrorist acts motivated by extremism and intolerance and to prevent subversion of educational, cultural and religious institutions by terrorists and their supporters?

Regarding activites to prevent and counteract terrorism, the national authority in charge with this issue - Security and Intelligence Service of the Republic of Moldova is conducting operative investigation of the persons that are involved in the terrorist activities or of their financing, undertake operative measures to trace among the persons who visit the country the persons that belong to terrorist groups; together with other competent public authorities undertake measures to cease the eventual sources of financing the terrorist activities, to assure the physical security of the national strategic objects, the institutions that represent a vital importance or an ecological danger.

In the legal framework prevention and combating incitement to terrorists activities motivated by the extremism and intolerance, subversion of educational, cultural and religious institutions by terrorists and their supporters is regulated by the Law nr. 539-XV from 12 October 2001, on measures of combating terrorism, Law 54-XV from 21 February 2003, counteracts extremist's activities and other normative acts. Regarding the Conversion is important to mention the art. 2 of the Law on combating terrorism, which stipulates that the recruit of terrorists has the same meaning as terrorist activity and has liability in accordance with the Criminal Code.

1.6 What is the Republic of Moldova doing to ensure that any measures taken to implement paragraphs 1,2,3 of resolution 1624 (2005) comply with all of its obligations under international law, in particular international human rights law, refugee law, and humanitarian law?

First of all as a state member of the international community the Republic of Moldova undertake such measures to implement the UN resolution 1624 which are in completely accordance with the international law and principles of morality, this means respect of human rights, refugee law, and humanitarian law. In such cases when national law is not in accordance with international, the priorities are given to international law. In this sense the Republic of Moldova follows the Directives of the Committee of Ministries of the Council of Europe on the respecting for human, refugee and humanitarian rights in the fight against terrorism. They are translated into the state language and distributed to all the national authorities in charge.

In accordance with the art. 3 of the Law on combating terrorism, all measures are based on the principles of legality, priority accorded to the measures of terrorism prevention, juridical, political, social-economic prophylaxis measures, defend those persons which are

under the danger of a terrorist attack and others measures. Also national law establish the rights and obligations of the person suspected, in charge, or which are under penal pursuit and guarantee the respect of this rights. National law compels to guarantee and to protect the human being in any circumstances and to interpret the law in the favor of suspected, in charge or culprit person.